

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7685 of 2023

Applicant :- Gulab Chand

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Praveen Tripathi, Shakti Krishna Chaube

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh, J.

1. Vakalatnama filed by Shri Dinesh Kumar Chaudhary, Advocate on behalf of the complainant is taken on record.

2. Heard Shri Praveen Tripathi, learned counsel for the applicant, Shri Dinesh Kumar Chaudhary, learned counsel for the complainant and Shri Bhanu Pratap Singh, learned A.G.A. for the State.

3. In compliance of the order dated 19.06.2023 passed by this Court in the present application Shri Mridul Mayank Pandey, Sub Inspector and Shri Rajeev Mishra, Sub Inspector, two Investigating Officers of the case are present in the Court. The complainant, the mother of the victim is also present in the Court.

4. The Court has interacted with the mother of the victim, who is the complainant of the present case. The Court is of the opinion that the investigation carried out in the case has been lackluster. The Investigating Officers have not made enough efforts to gather relevant evidence during the course of investigation.

5. It is therefore directed that a further investigation be carried out in the present case and if evidence against any other accused or the accused-applicant for any other offence is found, a further/supplementary charge-sheet may be filed.

6. The present application under Section 439 Cr.P.C. has been filed on behalf of the accused-applicant in Case Crime No. 467 of 2021 under Section 363 and 366 I.P.C, Police Station-Kotwali Nagar, District-Sultanpur, with prayer to enlarge him on bail.

7. The accused-applicant is a practicing Advocate in District Court-Jaunpur and Sultanpur. The complainant, who is the mother of the victim approached the accused-applicant in respect of a domestic case of her elder daughter. The allegation against the accused-applicant is that he enticed away the minor girl of the complainant aged around 14 years and kept her in confinement for around 10 months. She was allegedly recovered from a place which was taken by the accused-

applicant on rent. There are some contradictions in the statements of the victim recorded under Section 161 and 164 Cr.P.C.

8. The complainant belongs to a very low strata of the society, who earns her livelihood by doing odd works in several households. It would have been difficult for her to lodge prosecution against the accused-applicant. It is also important to note that the charge-sheet has been filed only under Section 363 and 366 I.P.C.

9. Considering the fiduciary relationship of the accused-applicant with the mother of the victim and the allegations which have been leveled against the accused-applicant, this Court does not find any ground to enlarge/release the accused-applicant on bail at this stage.

10. In view thereof, the present application is hereby **rejected**.

11. The Investigating Officer of the present case is granted three months further time to collect further evidence in respect of the present accused-applicant or any other accused whose role in the commission of the offence is found and after investigation a further/supplementary charge-sheet may be filed, if it is so required.

12. The two Investigating Officers present in the Court today are warned regarding their lackluster attitude in conducting the investigation which is required to be conducted in fair and transparent manner.

13. Let the copy of the order be transmitted to Superintendent of Police, Sultanpur.

(Dinesh Kumar Singh, J.)

Order Date :- 20.6.2023

Piyush/-